



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

May 1, 1996

Ernie Butters
Butters Construction
760 North Harrisville Road
Harrisville, Utah 84404

801 782-2088

Re: Your Sand and Gravel Operation, Weber County, Utah

Dear Mr. Butters:

On April 17, 1996, the Division sent your son, Craig Butters, a letter requesting information about your operation located north of Pleasantview, Utah. In response, you telephoned our office and requested that we visit the site to determine if, and to what extent a permit from the Division would be required. On April 25, 1996, Mr. Lynn Kunzler of the Division's Mineral's Program met with you to inspect your operation (inspection memo attached).

As you are aware, the Utah Mined Land Reclamation Act (Title 40, Chapter 8, Utah Code Annotated, as amended) specifically exempts sand, gravel and rock aggregate from regulation by the Division. During Mr. Kunzler's inspection, he observed that you were extracting sand and gravel from an unconsolidated deposit. It was also evident that some large rock is occasionally encountered that you are not able to crush for gravel. You indicated that these larger rocks are sold for landscaping purposes.

The legislative intent behind the categorical exclusion of rock aggregate, indicates that the legislators recognized that occasional large boulders may be encountered in unconsolidated sand and gravel deposits that may require blasting to otherwise remove this material. While we acknowledge that you are selling large stone (greater than 2-foot diameter) for landscaping purposes, this accounts for less than 5% of your overall production. We consider this to be incidental to your sand and gravel operation. We believe that the boulders being extracted in conjunction with your sand and gravel operation, fall within the legislative intent for the rock aggregate exclusion. Therefore, it is the Division's opinion that your present mining activities do not fall within our regulatory jurisdiction. You will not be required to file a Notice of Intention to Conduct Mining Operations with the Division at this time.



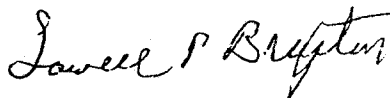
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Page 2
Ernie Butters
May 1, 1996

Please note that the Division normally requires approved permits for the mining of landscape rock, dimension stone, decorative and/or building stone. Your operation is unique because you are mining an unconsolidated deposit to principally produce a sand and gravel rock product. If the condition of your quarrying operations change, such that you are mining predominantly consolidated rock materials, then your operation may fall under our regulatory jurisdiction. You would likely be required to file a Notice of Intention to Conduct Mining Operations at that time.

The Division appreciates your cooperation in resolving this matter. Should you have any questions in this regard, please contact us at your convenience.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

jb

Attachment

cc:

Tammy Beard, Citizen
Minerals Staff (route)

Butters.let

- 3788 N 1100 W
Pleasantview UT 84414



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April 12, 1996

TO: Minerals File

FROM: Lynn Kunzler, Reclamation Specialist *ly*

RE: Site Inspection, Butters Construction Quarry, Weber County, Utah

Date of Inspection: April 25, 1996
Time of Inspection: 3:00 pm
Conditions: Partly Cloudy
Participants: Ernie Butters, Operator and Lynn Kunzler, DOGM

Purpose of Inspection: Determine need for permitting action.

Acting on a citizen complaint regarding what was thought to be a decorative stone operation, ~~A~~ letter was sent to Butters Construction on April 17, 1996 indicating that they may be conducting mining operations and that a permit with the Division may be required. On April 22, 1996, Mr. Ernie Butters of Butters Construction called the Division in response to this letter and requested a site visit to determine the extent of the Division's jurisdiction. Mr. Butters indicated that he was operating a gravel pit.

After meeting with Mr. Butters in his office, we discussed the Mined Land Reclamation Act and the types of operations that were exempt from the Act and those that needed to be permitted. Mr. Butters was informed that building stone and decorative stone quarry operations needed permitting, while sand, gravel and rock aggregate were exempt. He noted that his operation fell within a grey area in that rock aggregate was not defined (i.e. size of rock) but indicated he would also permit with us if required to do so. He indicated he currently had a permit from the City and was bonded for reclamation.

Upon visiting the site, it was discovered that much of what I had perceived as his operation was three separate operations. Mr. Butters indicated that a Mr. Jones and a Mr. Orton were primarily after landscape rock. His operation, however, was primarily sand and gravel. Most of the 15-20 acres he has currently disturbed was within an unconsolidated sand/gravel deposit with few larger rock scattered within. There was a 3-4 acre area that had a significant number of larger rock on the surface (this area was undisturbed). Most of the larger rock had been stockpiled into two piles, one smaller than 2-foot diameter and the other (and much smaller pile) was larger than 2-foot diameter. A rock crusher was being installed that would handle the smaller (less than 2-foot diameter) rock. The larger rocks were being sold for landscape purposes. Mr. Butters indicated that this was much less than 5% of his operation and that his options selling the large rock was to either leave a pile of large boulders or to drill and blast (which he preferred to avoid).

Page 2
Butters Construction
April 29, 1996

It appears as if this site is indeed a sand and gravel operation that would be exempt from regulation by the Division. I informed Mr. Butters that I would need to discuss his operation with Division management before a final decision could be made and that the Division would inform him within the next week or two as to whether he would need to file a Notice of Intention to Conduct Mining Operations with the Division.

Butters.ins